THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.14683 of 2007

Date:17.07.2007

Between:

K.Narayana.

.. PETITIONER

AND

The Government of Andhra Pradesh and others

..RESPONDENTS

ORDER:

The petitioner is a Fishermen Cooperative Society. The term of its managing committee, elected in the year 2002 expired on 29.03.2007. It is stated that the general body of the society met on 28.01.2007 and resolved to appoint one Sri K. Srinivas, Advocate, as an Election Officer. It is also stated that the elections were held on 29.03.2007 as provided under Rule 22(1) of the Andhra Pradesh Cooperative Societies Rules, 1964.

The second respondent issued proceedings, dated 07.05.2007, appointing the fourth respondent herein as person-in-charge to the society, for a period of six months with effect from 29.03.2007. The petitioner challenges the same.

The learned counsel for the petitioner submits that once an elected committee is in office and the factum of conducting elections were informed to the authorities of the Department, there was absolutely no basis for the second respondent for appointing the fourth respondent, as person-in-charge.

The learned Government Pleader for Fisheries, on the other hand, submits that obviously because no elections were conducted in accordance with law for the society, the impugned proceedings were issued. She contends that if, in fact, the elections have taken place, they ought to have been brought to the notice of the second respondent.

The question of appointing a person-in-charge under Section 32 of the Andhra Pradesh Cooperative Societies Act, 1964, to a society would arise, if only, there is no elected committee. The petitioner asserts that a committee was elected on 29.03.2007. If, in fact, the election was held on that day it is valid in law, the same can be taken to the notice of the second respondent with necessary supporting material. He can examine the matter, with reference to the record and if convinced that the election was properly held, the orders appointing the fourth respondent as person-in-charge, can be withdrawn. If he is not satisfied, the same can be intimated to the petitioner.

So far as the fishing operations in the tanks, within the area of operation of the society are concerned, the ultimate beneficiaries are the members, whether they are conducted under the supervision of the managing committee or a person-in-charge.

Therefore, the writ petition is disposed of, leaving it open to the petitioner-society to make a representation to the second respondent, together with the supporting material. The second respondent shall consider the same and pass appropriate orders, within a period of two weeks from the date of receiving it. It shall be open to the second respondent to call for report from the

authorities concerned, and he shall given an opportunity to the petitioner, to file such documents as are necessary to substantiate their stand. Pending the steps to be taken by the second respondent, the fishing operations in the tanks, within the area of operation, shall be conducted under the supervision of the Fisheries Development Officer of the concerned area, and it shall be ensured that the sale proceeds of such operations are distributed properly, among the members of the society according to their entitlement. There shall be no order as to costs.

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17.07.2007

kdl